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BOARD OF SUPERVISORS
COUNTY OF VENTURA
3855-F ALAMO STREET
SIMI VALLEY, CALIFORNIA 93063

November 23, 2004

The Honorable Steve Westly, Chair
The Honorable Cruz Bustamante, Member
Mr. Tom Campbell, Member
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

Dear Chair Westly, Commissioners Bustamante and Campbell:

I am proud to have been elected to represent the people of the 4th District of Ventura County as a member of the Board of Supervisors.

Our region, like so many in California, cannot grow without a stable energy supply. I believe that liquefied natural gas can help bring that stability. Consequently, I support the building of one or more liquefied natural gas facilities off California to serve our growing demand for energy.

Given the tremendous growth and potential of the Ventura County region, I feel that it is leadership's duty to be part of the solution to California's energy shortage. We simply cannot afford more rolling blackouts and the consequences they have for our residents and our economy.

The process of converting natural gas to liquid form and back to gas for transportation purposes has been used for decades to cook food, warm homes and run businesses in other parts of the United States and throughout the world. It is time for California to study and to implement this same solution.

In this regard, I am aware of recent proposals to construct liquefied natural gas conversion terminals throughout California. I support this concept, but on specified terms. The terminals should be distant from population centers. In Ventura County, for instance, a terminal should be offshore – as has been proposed. The terminals should also be environmentally friendly and transparent. The last thing we need is another huge power plant along the coast or blocking our coastal view.

I recognize that it is your job to decide if a terminal will or will not go forward. California must provide new sources of reliable energy to replace the tremendous amount that is consumes. I encourage you and the Commission to consider the benefits of all proposals and to make decisions that will keep California in the economic and environmental forefront.

Thank you for your consideration.

Sincerely,

JUDY MIKELS
Supervisor, Fourth District

cc: Paul D. Thayer, Executive Officer

L026-1
Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

308319

CITY COUNCIL

CITY COUNCIL OFFICE
305 West Third Street • Oxnard, CA 93030 • (805) 385-7428 • Fax (805) 385-7595

December 14, 2004

2004 DEC 15 A 10:10

DEPT OF TRANSPORTATION
DOCKETS

U. S. Department of Homeland Security
U. S. Coast Guard

U. S. Department of Transportation
Maritime Administration

California State Lands Commission

Docket Management Facility
U. S. Department of Transportation
Room PL-401
400 Seventh Street SW
Washington, D. C. 20590-0001

Gentlemen:

Subject: Draft Environmental Impact Statement/Draft Environmental Impact Report for the Cabrillo Port Liquified Natural Gas Deepwater Port Draft Environmental Impact Report/Environmental Impact Statement
Docket No. USCG 2004-16877-613
California State Clearinghouse No. 2004021107

As a responsible agency with potential permitting authority over the pipeline associated with the proposed Cabrillo Port LNG Project, the City Council of the City of Oxnard is deeply concerned with the potential impacts on the Oxnard community from the operation of the proposed floating storage and regasification unit (FSRU) and the associated subsea and terrestrial pipeline. The City of Oxnard has potential permit authority over the portion of the pipeline that traverses the Coastal Zone, and other portions of the terrestrial pipeline within the City limits are subject to franchise regulations and encroachment permits for public rights of way subject to the chosen alignment.

The proposed deepwater port and large diameter high pressure pipeline present significant potential adverse impacts to the City in environmental, safety and risk, and economic terms. The City Council appreciates the opportunity to review the DEIS/DEIR and the adequacy of the information provided and the response to the City's letter of March 29, 2004.

Attached please find the City's comments on the DEIS/DEIR. The City has significant concerns particularly regarding the level of analysis of the project alternatives as well as the demonstrated need for this project given the proposal for several other LNG proposals along the California and Baja California coasts. Included also are comments regarding specific analysis within the document.

We, as a council, also wish to reaffirm our opposition to the BHP Billiton and Crystal Energy LNG proposals. Facilities with the degree of potential hazard associated with unproven LNG technologies should more appropriately be located in remote portions of the coast regardless of the distance to onshore delivery systems. This is one instance where protection of the environment should not be placed above the protection of human lives.

Very truly yours,

Dr. Thomas E. Holden, Mayor

Andres Herrera, Mayor Pro Tem

John C. Zaragoza, Councilmember

Dean Maulhardt, Councilmember

Timothy C. Flynn, Councilman

MGW:sae

cc: Dianne Feinstein, U. S. Senator
Barbara Boxer, U. S. Senator
Lois Capps. Member of Congress, 23rd District
Sheila Kuehl, California State Senator, 23rd District
Fran Pavley, California Assembly Member, 41st District
Pedro Nava, California Assembly Member, 35th District
Members of the Ventura County Board of Supervisors
Edmund F. Sotelo, City Manager
Tom Berg, Ventura County RMA

Comments on the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Cabrillo Port Liquefied Natural Gas Deepwater Port

General Comments

- The Draft EIS/EIR includes a discussion of other LNG projects. It does not, however, present information on the need for the proposed project given the potential for six other LNG facilities. More information on the need for the proposed project given the other LNG projects needs to be provided. L002-1

- Many of the mitigation measures defer action to a later time without reference to performance Standards. California Environmental Quality Act (CEQA) Guidelines §15126.4(A) state that: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." Mitigation measures should include performance standards in order to ensure that they mitigate the intended impact. L002-2

- The impact assessment does not present sufficient information to adequately support the impact determinations made in Section 4. The analysis has not provided clear significance criteria and thresholds to adequately assess impacts. Without clear significance criteria and thresholds the impact assessment cannot establish whether impacts are significant or insignificant nor can it establish when mitigation measures fully mitigate impacts. L002-3

- The Draft EIS/EIR includes both Applicant Mitigation Measures (AMM) and agency Mitigation Measures (MM). The AMMs are really part of the project and should not be identified as mitigation measures. The use of the term "mitigation measure" for applicant project commitments results in inconsistencies with the presentation and determination of project impacts throughout the document. For instance, if an AMM is used to reduce impacts, and is labeled mitigation, then the impact determination (Class I or II) must reflect the need for mitigation. Please clarify how the AMMs are used in the environmental assessment and determination of impact significance. L002-4

3.0 Alternatives

- The alternatives analysis is not consistent with National Environmental Policy Act (NEPA) requirements because the proposed action and the project alternatives are not presented and compared at an equal level of detail. As required by NEPA §1502.14 (Alternatives including the Proposed Action), the alternatives are the "heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. Further the document shall:... (b) Devote substantial treatment to each alternative considered in detail... Per NEPA §1502.15 (Affected Environment), "the environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration." L002-5

- Page 21, lines 39 and 40, states that propane is more volatile than LNG and would result in additional risks. However, this is not strictly true. The true volatility of natural gas, which is L002-6

L002-1
Sections 1.2.3, 3.3.5, and 3.3.6 contain additional information to clarify this topic.

L002-2
Mitigation measures throughout the EIS/EIR that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are "performance standards" by which such plans would be evaluated when practical. NEPA does not require performance measures for proposed mitigation measures but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)). The various Federal permits (e.g., CWA, Section 404) required for the Project may contain additional conditions as a component of that permit. In those cases, the issuing agency would be responsible for ensuring compliance.

L002-3
Additional information has been added throughout the document and the significance criteria have been clarified as requested.

When an agency is evaluating reasonably foreseeable significant impacts, and there is incomplete or unavailable information, the agency must always make clear that such information is lacking. The agency shall include a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and state the agency's evaluation of such impacts is based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. (1502.22 (b) (1-4)).

L002-4
The Applicant mitigation measures have been relabeled as applicant measures to make it clear that they are incorporated into and modify the Project. Section 4.1.5 describes how additional mitigation measures are applied.

L002-5
NEPA and the CEQA do not dictate an amount of information to be provided but rather prescribe a level of treatment, which may in turn require varying amounts of information to enable reviewers and decision-makers to evaluate and compare alternatives.

L002-6
Section 3.3.9.1 contains revised text on this topic.

primarily methane, is much greater than that of propane. The rate of volatization from a leak or spill is a function of many parameters, and the description of the propane use in the intermediate fluid vaporizers is not sufficient to support the conclusion that is being made.

- No alternative power supply options have been evaluated. A power cable from shore, as are used on many Outer Continental Shelf platforms, would reduce the operating emissions. The use of gas turbines rather than internal combustion engines may also be able to reduce emissions of some pollutants and should be considered. L002-7

4.2 Public Safety

- Table 4.2.1 does not include all of the City of Oxnard's public safety comments. Please add these comments to the table. L002-8

- Section 4.2.1, Environmental Setting. The environmental setting refers to other sections but those sections do not provide enough information to compare to the certain hazard assessment modeling assumptions (stability class, wind speed profiles, etc.) to perform a full critical review of those assumptions. L002-9

- Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. The models used in the risk assessment (Table 4.2.2-2) are not fully described, so critical review cannot be completed. Reviewing model basics, such as determining whether the dispersion modeling procedures are appropriate for an over water release, cannot be completed. L002-10

- Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. It is noted (page 4.2-18, lines 7 through 9) that the thermal radiation hazard was going to be evaluated when dispersed to a maximum degree, and when ignited when at its maximum mass. Very different meteorological conditions should be necessary for each to occur, but Table 4.2.3-3 does not show that the modeling reflected this assertion as the ambient temperature assumed was constant throughout all of the modeling runs. L002-11

- Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. It appears that the computer modeling only assumed spread of the LNG pool by wind; however, the current could cause the spread to range farther than assumed with current assumptions. L002-12

- Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. The analysis provides conclusions noting that lower wind speeds cause smaller distances where impacts could occur; however, this assertion is not backed up by actual modeling data. It might be inferred that the natural gas plume becomes buoyant, but it is not clear whether this will happen over the potential range of ambient conditions that might occur. If the plume were not buoyant then the worst-case impacts would be expected under stable low wind speed conditions not neutral higher wind speed conditions. The vapor cloud will be very cold which would increase its density and lower buoyancy. It is not clear if the modeling assumptions include differences in plume buoyancy as a function of starting temperature and ambient temperature or if the reduced vertical mixing known to occur over water is considered in the modeling (such as in the OCD model). Data regarding these assumptions and sensitivity to ambient conditions should be provided to show that the ambient conditions modeled are conservative. L002-13

L002-7
Section 3.3.9.3 addresses electric power from the onshore power grid.

L002-8
Representative comments from public scoping and public comments on the October 2004 Draft EIS/EIR are included in Section 4.2.2.

L002-9
Additional information regarding wind speed and direction and visibility frequency has been added to Section 4.1.8. Additional information regarding the assumptions used in hazard modeling is included in Appendix C1.

L002-10
Additional information regarding the models that were used for the risk assessment is included in Appendices C1 and C2. The dispersion modeling procedures were reviewed by Sandia National Laboratories and determined to be appropriate for an over water release, as discussed in Section 4.2.7.6. Appendix C2 contains Sandia National Laboratories' peer review of the modeling approach.

L002-11
This topic is discussed in the Independent Risk Assessment in Appendix C1. The maximum downwind distance does not correspond to the maximum mass, so associating the two would be overly conservative. For this reason, the flash fire analysis was performed at various states and locations through its dispersion process. A thermal radiation versus distance curve was produced and the worst situation applied to the analysis (see Figure 3.11 in Appendix C1 - Independent Risk Assessment).

L002-12
This topic is discussed in Appendix C1. Pool spread was governed by gravitational force and spread on a frictionless surface. No accepted model exists for the influences of surface current.

L002-13
The analysis of wind speed was revised to incorporate recommendations by Sandia National Laboratory. Additional information regarding plume characteristics is provided in Appendix C of the Independent Risk Assessment (Appendix C1).

The variability of starting temperatures is small compared to the

difference between the temperature at which the cloud will become buoyant and ambient. Buoyancy is not an inference or an assumption -- a natural gas cloud subject to ambient conditions will always become buoyant. Many simulations were performed to determine which factor affected the dispersion distance the most. It was found that the velocity gradient, not wind speed, governed the dispersion distance.

- Section 4.2.2.1, Risk Assessment Process for the LNG Deepwater Port. Calm conditions are not discussed. The actual worst-case explosion condition might be under dead calm conditions where the mass of the explosion would be maximized. Potential impacts resulting from this ambient condition should be discussed. L002-14

- Section 4.2.3.1, Risk Evaluation – Offshore LNG Deepwater Port (Significant Public Safety Thresholds). The Federal Risk Management Program (RMP) incorporates 1 psi overpressure as a reporting threshold for explosion hazard endpoint (i.e., level of concern). This is assumed to potentially knock someone from their feet thereby causing injury. This is more conservative than the 2.4 psi overpressure assumed in this study. It seems inconsistent that if an RMP is later prepared for this facility the radius showing the endpoint would be based on a lower threshold than used in the Draft EIS/EIR. This indicates that the significance criteria used may not be as conservative as they should be to determine potentially significant impacts. L002-15

- Section 4.2.6.2, Applicable Safety Standards (Potential Impact Radius). The methodology provided on page 4.2-58 for the onshore pipeline high consequence area (HCA) impact radius uses a heat radiance significance threshold of 5,000 Btu/hr/ft^2, while for LNG offshore impacts a lower significance threshold of 3,964 Btu/hr/ft^2 was applied. While understanding that there were different sources for the two thresholds, it still does not seem technically consistent to allow a 26 percent higher significant impact threshold on land than allowed on water. Further explanation is needed. L002-16

- Section 4.2.6.2, Applicable Safety Standards (Potential Impact Radius). The pipeline risk assessment does not include risk from explosion. An assessment of the potential risk from explosion and, if necessary, the radius of risk from explosion should be included in the analysis of onshore pipeline risk. L002-17

- Section 4.2.7, Significance Criteria. This section does not provide a clear understanding of the significance criteria used for Public Safety. The actual significance criteria given in other areas of the report should be summarized in this section so that the reader can find and understand the specific criteria used to determine significance for each of the eight impacts identified in Section 4.2.8. L002-18

- Section 4.2.8, Impact Analysis and Mitigation. The impact class and discussion of impacts for PS-1 are inconsistent. For example, for impact PS-1, noted to be Class II, it is stated that modeling indicates LNG release would pose no potential threat to public safety. Yet, the impact class stated is II not III and mitigation has been assumed. There is no information presented that the impact would be significant without the mitigation. L002-19

- Section 4.2.8, Impact Analysis and Mitigation. No impact analysis has been performed to determine explosion hazard radii for the onshore pipelines. It is discussed vaguely in impact PS-7 (pg 4.2-90 lines 38-40), but not otherwise analyzed. **L002-19.1**

- Section 4.2.9, Alternatives. The alternatives analysis is not consistent with NEPA requirements. See comment in 3.0 Alternatives. **L002-19.2**

- Additional AQ/Public Health Comment – Odorant. Odor impacts of accidental odorant release were not specifically modeled to determine potential impacts resulting from normal operation or from accidents. Odor impacts are a listed CEQA air quality checklist item. Further, natural gas L002-20

L002-14
Additional information regarding wind speed and direction has been added to Section 4.1.8. The Independent Risk Assessment (Appendix C1) includes revised scenarios and describes how wind speed was used in the modeling. Explosions in confined spaces were evaluated. For the scenario of an explosion between the FSRU and a docked LNG carrier, it was assumed that the volume of methane between vessels was at the concentration that would be flammable. Therefore, this scenario was considered to be very conservative in terms of determining the mass of fuel contributing to explosion. Wind conditions would not enter into the explosion calculation as wind is not applied at any of the boundaries.

L002-15
The analysis has been revised to be consistent with recently published reports on LNG safety and incorporates the recommendations made by Sandia National Laboratories. Rapid phase transistion is discussed in Section 4.2.7.2. Additional information is provided in Appendix E of the Independent Risk Assessment in Appendix C1. The EPA has determined that an RMP is not required.

L002-16
The potential impact radius (PIR) and High Consequence Area (HCA) are determined by Federal regulations, as described in Appendix C3-3. The Independent Risk Assessment adopted the thermal radiation levels recommended by Sandia and used by the National Fire Protection Association. No regulations exist specifying similar criteria for offshore LNG terminals as exist for onshore pipelines.

L002-17
The potential for explosions resulting from pipeline accidents is discussed in Section 4.2.8.4 and is low based on analyses of pipeline accidents. Pipeline accidents involving deaths or injuries have been characterized as rare (68 FR 69369 December 12, 2003). The issue of explosion hazards has been addressed through the identification of potential impact radii and High Consequence Areas, for which enhanced safety measures are required under the Pipeline Safety Improvement Act of 2002 (49 CFR Part 192).

L002-18
Sections 4.2.7.6 and 4.2.8.3 contain additional information to clarify the significance criteria.

L002-19
Section 4.2.7.6 contains additional information regarding public

safety impacts and mitigation.

The issue of explosion hazards has been addressed through the identification of potential impact radii and High Consequence Areas, for which enhanced safety measures are required under the Pipeline Safety Improvement Act of 2002.

L002-19.1
Section 4.2.8.4 contains addition information to clarify this topic.

L002-19.2
See the response to Comment L002-5.

L002-20
The Project has been modified since issuance of the October 2004 Draft EIS/EIR. Section 2.2.2.3 presents an updated description of this topic. The proposed Project has been changed to add the odorant to the natural gas on the FSRU; therefore, there would be no potentially significant impacts on the public from odorant release during operations or accidents.

odorants do not only have a very low odor threshold but the odor itself can induce illness well below toxic thresholds.

4.3 Marine Traffic

- Section 4.3.4, Impact Analysis and Mitigation. For impact MT-1, it is unclear what constitutes a significant impact and how the mitigation measures will lower that impact to insignificant. More explanation/description of the unmitigated significance and effective reduction of that significance with mitigation is needed (i.e., what is risk of collision before and after mitigation, and how does that relate to a significant risk threshold?). L002-21

- Section 4.3.4, Impact Analysis and Mitigation. For impact MT-2, the Class III designation is not appropriate because AMM Mt-2a has been applied to reduce an otherwise potentially significant impact. MT-2 should have a Class II designation. As noted under general comments, the use of AMMs needs to be clarified. L002-22

- Section 4.3.5, Alternatives. The alternative analysis is not consistent with NEPA. For example, analysis of vessel traffic in the inner-Santa Barbara Channel and the impacts of the alternative deepwater port location to that traffic have not been addressed to the same level of detail as the impact to the vessel routes in the project alternative. **L002-22.1**

4.4 Aesthetics

- No policy consistency analysis has been provided in Section 4.4.4.5 (Impact Analysis), although information on applicable plans and policies is presented in Table 4.4-1. L002-23

- MM Bio-Mar-13a. Construction/Operations Lighting Control. This mitigation measure is intended to reduce night lighting impacts (AES-1 and AES-4). However, the measure defers lighting restrictions to a future plan. Although the details of the lighting plan can be deferred to a future date, the Draft EIS/EIR needs to include performance standards such as types of lights (such as those described briefly in Tables 4.4-4 and 4.4-5), the potential worst-case amount of lumens shed, the timing and implementation of the plan, and effectiveness criteria. **L002-23.1**

- Detailed setting information for the pipeline alternatives should be presented in the Draft EIS/EIR to allow for adequate analysis, thereby facilitating a meaningful comparative analysis (in particular for the onshore pipeline routes). For example, data similar to the setting information provided for the proposed project needs to be included to characterize the visual characteristics along the pipeline alternative routes. Key observation point data and photos, and text descriptions (at a similar level of detail) should be provided for the alternative pipeline routes. **L002-23.2**

  In addition, in Section 4.4.5 (Alternatives), more detailed analysis of alternatives needs to be provided at an equal level of detail as the proposed project discussion. It is not sufficient to state that the impacts are "similar" and that application of the same mitigation measures would reduce those impacts to less-than-significant levels. At a minimum, the exact locations of the impacts and specific reference to the mitigation measure numbers that would reduce the impact should be clearly delineated under the alternatives analysis.

L002-21
The significance criteria for marine traffic has been updated in Section 4.3.3, and the effectiveness of mitigation is specified for each marine traffic impact in Section 4.3.4.

L002-22
The Marine Traffic section (4.3) has been updated and many impacts have been reclassified.

The term "AMM" has been replaced with the term "AM" Applicant Measure, which is defined in Section 4.1.5.

L002-22.1
Sections 1.2, 3.1, 3.2, 3.3.1, 3.3.2, 3.3.3, 4.10, and 4.10.1.3 contain additional information on this topic. Under NEPA and the CEQA, a reasonable range of alternatives must be considered. NEPA and the CEQA do not require the consideration of alternatives that are infeasible or that would require significant changes in governmental policy or legislation. NEPA requires consideration of a “reasonable” number of alternatives. In determining the scope of alternatives, the emphasis is on “reasonable.” “Reasonable” alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a). Thus, the information must be sufficient to permit decision-makers to make a reasoned choice of alternatives with respect to their environmental impacts. As the lead Federal agency, MARAD has determined that a reasonable number of alternatives are discussed in the EIS.

The EIS/EIR initially evaluated 18 locations for the FSRU as potential locations for the deepwater port. It built on previous California Coastal Commission studies that evaluated nearly 100 locations. Sections 3.3.7 and 3.3.9 discuss alternate locations and technologies that were considered.

L002-23
Table 4.4-2 provides information on the major laws, regulatory requirements, and plans applicable to aesthetics. Section 4.4.4 discusses consistency with applicable policies. It also contains additional information on this topic.

L002-23.1
See the response to Comment L002-2.

L002-23.2
Section 4.4 has been updated with additional information on the

alternatives. With the exception of windrows, visual impacts for the onshore pipelines are only temporary in nature, and the affected areas will be restored to pre-construction conditions. Additional information is contained in Section 4.4.5.3.

Neither CEQA nor NEPA require the discussion of alternatives to be exhaustive. What is necessary is information sufficient to permit a reasoned choice of alternatives with respect to their environmental aspects.

4.4 Agriculture and Soils

- This section focuses on construction impacts and does not provide a discussion of potential disturbance to agriculture and soils along the proposed and alternative routes as a result of maintenance activities during pipeline operations. Impact statement AGR-1 does state, "operations could cause a loss of agricultural land, crops, or crop production." However, the text of the impact discussion does not provide a discussion of the types of activities and locations along the proposed pipeline and alternative routes that could cause impacts. In addition, mitigation needs to be provided in the event crops are destroyed during maintenance along portions of the route that traverse important Farmlands as designated by the Farmland Protection Policy Act. Many of the agricultural and soils mitigation measures can also apply to operations, but the Draft EIS/EIR discussion needs to provide specific analysis for the proposed pipeline and alternative route operation-related impacts and reference the appropriate mitigation measures to ensure that they are implemented during the operational phase as well. L002-24

- This section needs to provide a discussion of the potential impacts of pipeline accidents on loss and disturbance of agricultural lands. Given the importance of agricultural activities along much of the proposed and alternative pipeline routes, and the fact that pipeline accidents are a likely scenario, the impact section needs to discuss the worst-case scenario with respect to loss of agricultural lands and production. Also, discussion of the long-term impacts to soils should be provided considering the potential for contamination due to a pipeline accident and natural gas leakage. L002-25

4.6 Air Quality

- Section 4.6.1, Environmental Setting (Statewide). This section incorrectly states that CARB has set ranges for contaminants in natural gas, which is not true. In terms of the main natural gas providers (i.e., SoCalGas and PG&E) for pipeline quality natural gas, the California Public Utility Commission has set limits on certain contaminants, such as sulfur, and other gas quality parameters that define pipeline quality natural gas. These limits, in terms of air quality, are the most stringent limits and the only relevant limits that should be discussed in this section. While Ventura County Air Pollution Control District (VCAPCD) and South Coast Air Quality Management District (SCAQMD) have set certain fuel limits in their rules and regulations those limits: 1) relate to potentially higher sulfur fuels such as refinery fuel gas and recovered landfill gases; 2) are not more stringent than the CPUC limits for SoCalGas pipeline quality natural gas (specifically, where SoCalGas is the specific utility that will be receiving the project's natural gas for distribution); and 3) the local district requirements are not "statewide" requirements and relate to fuel users only. Since this project has been defined as only accepting pipeline quality natural gas, the explanation of applicable limits should be corrected. L002-26

- Section 4.6.1, Environmental Setting (Project Area). Los Angeles County is incorrectly stated to be within the South Central Coast Air Basin (SCCAB) on page 4.6-2. The coastal part of Los Angeles County is located wholly within the South Coast Air Basin (SCAB). L002-27

- Section 4.6.1, Environmental Setting (Project Area). The Draft EIS/EIR does not give the Ventura County or Los Angeles County attainment status completely or correctly. Ventura County has been deemed to be in non-attainment of the state PM2.5 standard. L002-28

- Section 4.6.1, Environmental Setting (Project Area). Additionally, the Draft EIS/EIR is not complete in its identification of the Ventura County and Los Angeles County federal ozone L002-29

L002-24
Section 4.5.4 has been updated and contains additional information on potential impacts on agriculture from construction and operations and measures to address them.

L002-25
See the response to Comment L002-24.

L002-26
See the response to Comment L002-24.

L002-27
Sections 4.2.8.1 and 4.6.2 discuss the regulatory requirements for the composition of natural gas.

L002-28
See response to Comment L002-27.

L002-29
Sections 4.6.1 and 4.6.2 have been updated in response to the comment.

L002-30
Section 4.6.1.2 has been revised in response to the comment.

L002-31
Sections 4.6.1 and 4.6.2 have been revised in response to the comment.

nonattainment classification. The Draft EIS/EIR should also note the moderate and severe 8-hour ozone nonattainment classifications for Ventura and Los Angeles Counties, respectively.

- Section 4.6.1, Environmental Setting (Project Area). The Draft EIS/EIR incorrectly gives the State annual PM10 to be 30 ug/m3, it should be 20 ug/m3; and the State annual PM2.5 standard of 12 ug/m3 is not provided. L002-32

- Section 4.6.1, Environmental Setting (Project Area). The local background information provided in Table 4.6-1 is incomplete. First, the location and description of the representativeness of the monitoring source is not provided. Second, the data only provides one year of data, which is insufficient to provide a reasonable worst-case background concentration (last three years would be a more reasonable approach). Finally, the single year of data provided (2002) is not the most current year readily available for most pollutants (2003 data is available on CARB website). L002-33

- Section 4.6.1, Environmental Setting (Emission Estimates). Data necessary to review and confirm the construction emission estimates have not been provided. Namely: a) the assumed equipment emission factors and their source have not been provided; and b) the schedule of construction and time in mode has not been provided. L002-34

- Section 4.6.1, Environmental Setting (Emission Estimates). Data necessary to review and analyze the operating emission estimate have not been provided. Namely: a) a copy of the PSD permit applications have not been provided for review; b) the source of the assumptions and equipment emission factors have not been provided; c) rationale for the type of equipment selected (such as IC engines rather than gas turbines) has not been provided. L002-35

- Section 4.6.1, Environmental Setting (Emission Estimates). The ammonia slip emissions from the Selective Catalytic Reduction systems have not been provided. Ammonia, while not currently regulated as such, is a known precursor to fine particulate (ammonium nitrate/sulfate). Therefore, the ammonia emissions should be provided in the Draft EIS/EIR. L002-36

- Section 4.6.1, Environmental Setting (Emission Estimates). The assumptions for project emissions from vessel traffic do not match those provided in the Marine Traffic section estimate provided in Table 4.3-3. The operating emission estimate needs to be revised to assume LNG carrier, tug, and crew boat trips consistent with the annual maximums provided in Table 4.3-3, as well as the federal waters tug patrolling operations associated with project commitment AMM MT-6a. The construction emissions need to also account for the scout guard boats listed in mitigation measure MM MT-4a and anchor handling vessel noted to be necessary for pipelaying on page 4.3-23 line 16. L002-37

- Section 4.6.1, Environmental Setting (Emission Estimate). It is unclear if the LNG carrier vessel's deepwater port hoteling emissions are included in the emission estimate. If not, then the emission estimate should be revised to provide the hoteling emissions from the LNG carrier vessel. L002-38

- Section 4.6.2, Regulatory Setting (General Conformity). The Draft EIS/EIR incompletely describes the conformity issues and does not provide any reasonable findings to show that the project can be determined to be in comformity for operation or construction. The conformity analysis must be completed before the project can be approved. L002-39

L002-32
Section 4.6.1 has been revised in response to the comment.

L002-33
Section 4.6.1 has been updated. This table has been removed. Appendix G7 includes tables with representative background concentrations.

L002-34
Section 4.6.1.3 contains revised information on emissions from Project construction and operations. Appendices G1 and G2 include the assumptions and emission factors used to calculate emissions.

L002-35
See the response to Comment L002-34.

L002-36
See the response to Comment L002-34.

L002-37
See the response to Comment L002-34.

L002-38
Hoteling means those operations on a marine vessel that require electric energy such as, lights, ventilation, heating, cooling, and loading and unloading operation that are used when a marine vessel is either at anchorage within Federal/State waters or docked or anchored in a harbor or port. The current emission estimates include emissions while the LNG carrier is docked at the FSRU but do not include emissions associated with hoteling while the LNG carrier is not at the FSRU (i.e., anchored at sea). Hoteling at sea is not a planned activity for the Project. Emissions from such hoteling are not within the scope of this document. This is consistent with other DWPA NEPA documents.

L002-39
The Draft General Conformity Determination was issued in March 2006 with a 30-day public comment period. However, based on equipment changes proposed by the Applicant, MARAD, and the USCG has determined that the General Conformity Rule does not apply. Appendix G4 contains additional information on this topic.

- Section 4.6.2, Regulatory Setting (General Conformity). The conformity regulations will be revised to address ozone conformity based on the 8-hour non-attainment designation. The Draft EIS/EIR does not address this nor identify how the project proponent plans to deal with the changes in the conformity regulations that will be effective June 15, 2005. L002-40

- Section 4.6.2, Regulatory Setting (General Conformity). The construction NOx emissions exceed either the 1-hour severe nonattainment designation de minimus threshold of 25 tons or the 8-hour moderate nonattainment designation de minimus threshold of 100 tons. In fact, the total estimated construction NOx emissions assuming two years of construction would exceed on average, and certainly exceed in the peak year, the current total quantity of available NOx ERCs in the VCAPCD bank. Using the information in the Draft EIS/EIR, it would have to be concluded that the project cannot be found to be in conformity as required under 40 CFR §93.158, without the project requiring a written commitment from the Governor as required under this subpart. Therefore, federal approvals cannot be granted for the project. L002-41

- Section 4.6.3, Significance Criteria. There are five significance criteria identified at the beginning of Section 4.6.3, which are variations of the checklist items in the CEQA Guidelines; however, no specifics for the implementation of each criteria or actual findings of significance for these specified criteria are clearly given in the Draft EIS/EIR. For example, the first criteria (page 4.6-11, lines 15,16) is given: L002-42

  "Conflicts with or obstructs implementation of any applicable Federal, State, or local air quality plan."

  However, no discussion of the VCAPCD or SCAQMD plans is provided, nor are the impacts for this significance criteria mentioned at all after its initial listing. This situation is similar for each of the criteria, where the specifics of the criteria are not detailed and the findings for each are not given. Therefore, there is no way to determine if the findings of the document are complete and if all necessary mitigation measures have been proposed.

- Section 4.6.3, Significance Criteria. The VCAPCD CEQA Guidelines should be used and referenced as an appropriate source for specific CEQA significance criteria, or reasons why these guidelines are not appropriate should be provided. L002-43

- Section 4.6.4, Impact Analysis and Mitigation. The impact analysis is inadequate: for example; 1) for the various Class II impact issues (Air-1, Air-2, Air-5, Air-7), there is no discussion on why these impacts would be considered significant without the proposed mitigation or how that mitigation would fully mitigate the potentially significant impact, thus there is no way to determine if additional mitigation should be required; 2) for Class III impact issue Air-3 and Air-4, there is no analysis supporting that these impacts would not be significant, further mitigation measures (AMM Air-3a and AMM Air-4a) have been applied, but no mitigation should be required for insignificant impact issues; and 3) Impact Air-6 does not adequately evaluate the worst-case impacts from accidents, which should assume explosions and/or fires onshore and offshore and then identify impacts from the products of combustion not just the VOC impacts of the release of natural gas. L002-44 L002-45 L002-46

- Section 4.6.4, Impact Analysis and Mitigation. No real impact analysis has been performed to determine if construction or operation will result in any new exceedances of any ambient air quality standards. The majority of the estimated construction emissions and all of the estimated operating emissions occur over water; dispersion is limited over water increasing the potential for significant

L002-40
See the response to Comment L002-39.

L002-41
See the response to Comment L002-39.

L002-42
Section 4.6.3 has been revised to include significance criteria of local air pollution districts. Section 4.6.4 determines air quality impacts derived from these significance criteria.

L002-43
See the response to comment L002-42.

L002-44
The Project has been modified since issuance of the October 2004 Draft EIS/EIR. Section 4.6.4 contains revised text on this topic.

L002-45
See the response to Comment L002-44.

L002-46
Impact AIR-3 in Section 4.6.4 contains revised information on impacts from an LNG spill or pipeline rupture.

onshore impacts from the project. A modeling analysis of the major stationary and construction activities should be performed using the Offshore and Coastal Dispersion Model. It is recommended that such modeling be performed in consultation with the Minerals Management Service, which has recently completed OCD modeling runs for proposed construction and operating sources in the Santa Barbara Channel.

L002-47

- Section 4.6.4, Impact Analysis and Mitigation. The mitigation measures required for the Class II impact issues (Air-1, Air-5, Air-7) are poorly defined and cannot be determined to be effective in eliminating what would otherwise be considered significant impacts. For example: 1) mitigation measure Air-1a does not actually require any reduction in construction equipment emissions as it does not define the term available equipment, where by the time of the construction of the onshore and offshore facilities EPA Tier II and III diesel engines should be available; 2) mitigation measure Air-1b (for both issue Air-1 and Air-7) does not indicate how compliance can be assured (emission reduction, offsets, etc.) and as noted in other comments it would appear that conformity during construction will be difficult if not impossible.

L002-48

- Section 4.6.4, Impact Analysis and Mitigation. The Control Measure Table 4.6-6 within AMM AIR-5a identifies "equivalent methods to be approved by the California Energy Commission Compliance Project Manager", but this project is not under the jurisdiction of the CEC. In fact, it is noted within AMM AIR-5a that the dust control plans will be submitted to the local air pollution control board before construction activities begin. This jurisdiction error in the table should be corrected. Additionally, the regulatory requirement and approval for dust control plans at the local level has not been established in the regulatory setting. It would seem that the reports being prepared may be submitted without a regulatory requirement and then would not be reviewed by the local agencies. A description of the specific jurisdictional authority for the necessity, authority and approval of dust control plans should be provided in the document; and if there is no such authority then the mitigation method should be revised to provide a method that will provide adequate oversight to ensure effectiveness of the proposed measures contained in the Construction Fugitive Dust Plan and implementation oversight of the plan.

L002-49

- Section 4.6.5, Alternatives. No emission estimates have been provided for the alternatives. At a minimum, emission estimates for the alternatives must be provided in order to fully evaluate each of the alternatives and confirm the impact evaluation. (Note: previous comments on the emission estimates and impact analysis for the project would also apply.)

L002-50

- Section 4.6.6 References. Appropriate references for the emission estimates, regulatory requirements, and environmental setting documentation should be provided throughout this section.

L002-51

- Air Quality Appendix D. The control technologies listed do not fully describe other potential NOx control options such as SCONOx or XONOX and describe why SCR was selected over such other technologies. This information should be presented here or presented in the Alternatives or Air Quality Sections of the Draft EIS/EIR.

L002-52

4.7 Biological Resources – Marine

L002-53

- The Draft EIS/EIR does not address the impacts associated with siting the FSRU near the Channel Islands Marine Sanctuary in either alternative, as requested in the City's scoping letter dated March 19, 2004.

L002-54

L002-47
OCD modeling was conducted. The results of the modeling are included in Appendix G7 and have been incorporated in the analysis in Section 4.6.4 under Impacts AIR-7 and AIR-8.

L002-48
See the response to Comment L002-44.

L002-49
Section 4.6.4 has been revised in response to the comment.

L002-50
A revised discussion of this topic is presented in Section 4.6.4 under Impact AIR-2. The Applicant would be required to apply for and meet all requirements, including for fugitive dust for local/county/state permits. It will be the responsibility of the permitting agencies to ensure that the Applicant is in compliance.

L002-51
The Project has been modified since issuance of the October 2004 Draft EIS/EIR. A revised discussion of this topic is presented in Section 4.6.5.

L002-52
References have been updated in Section 4.6.6.

L002-53
The Applicant prepared an emission control technology analysis for FSRU emission sources as part of the air permit application to the USEPA. The Applicant selected the SCR technology because it would be technologically and economically feasible for use on the FSRU. Section 4.6.1.3. contains a revised discussion of proposed emission control technology for FSRU equipment.

SCR is the predominant secondary control (add-on control equipment) used to reduce emissions from generators. It has a long track record for on-shore sources. In the BACT analysis, a SCONOx system was also analyzed as a secondary control; however, the analysis indicates that this type of system is still in the experimental stage and has not been installed for a sea-based use.

L002-54
This topic is discussed in Sections 4.7.1.4, 4.7.5.2 and 4.13.1.1.

- MM Bio Mar-5a and MM Bio-Mar-13a. Control Measures and Construction/Operations Lighting Control. These mitigation measures require preparation of a future plan. The Draft EIS/EIR needs to include additional detail regarding the general methods, performance standards, and types of equipment that might be used to reduce the impact below a level of significance. L002-55

- The analysis of the Alternative DWP lacks the full consideration required under NEPA. Although some information is presented, the Draft EIS/EIR should provide a complete discussion of the affected environment (as was performed for the preferred alternative), along with full disclosure of the impacts of this alternative. Stating that the impacts to the marine environment and species of concern would be "greater", "similar to", or "higher" than the proposed project does not adequately meet the requirements of NEPA. Without thorough discussion and area-specific impacts, these general impact assessments are not supported. Furthermore, no specific mitigation measures have been developed for this alternative, despite the statement that the Santa Barbara Channel/Mandalay Shore Crossing would result in higher overall impacts. It is unclear how mitigation measures developed for generally lower levels of impact would reduce the impacts associated with this alternative below a level of significance. L002-51.1

4.8 Biological Resources – Terrestrial

General Comments:

- The most obvious shortcoming of the terrestrial biological analysis involves the lack of information or understanding of the vegetation communities, plant species, or wildlife species of the project area. Because the basic biological conditions of the project site cannot be determined from reading the document, the Draft EIS/EIR fails to address the concerns provided in the City's scoping letter dated March 19, 2004, by not adequately disclosing the impacts of the project. L002-56

- Typically, a CEQA/NEPA document will place the project into the context of local habitats and species by first describing the vegetation communities. Specifically, this would include describing the location, acreage, dominant species, disturbance history/condition, and other ecological features of the communities present. In this document, the composition of the vegetation communities of the project site is left to the imagination. A table at the end of Section 4.8 indicates which vegetation communities occur at each "milepost" along the preferred and alternative routes, but does not provide acreages or any other relevant information. The color figures appear to show approximate boundaries for vegetation communities, but it is nearly impossible to resolve the colors that differentiate the polygons.

- The vegetation classification used for this analysis is not adequately defined in the text. This creates confusion when trying to understand exactly what is being impacted. A good example may be the treatment of "exotic mixed riparian forest" in the Draft EIS/EIR. According to the Draft EIS/EIR, Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California is the vegetation classification system used in the impact analysis. However, review of Holland's classification lists no such community as "exotic mixed riparian forest". Because this community is not well defined in the text, the reader has no idea what "exotic mixed riparian forest" looks like. Without good information about the plant communities, there is no way to review the documents assumptions about special status species and their potential for occurrence. The Draft EIS/EIR also discusses a wetland delineation performed for the project. Besides the number of "features" observed, it would have been useful to include the types of wetlands, acreages, plant and animal L002-57 L002-58

L002-55
This topic is discussed in Section 4.7.4 under Impacts BioMar-3 and -6.

L002-55.1
See the response to Comment L002-5.

L002-56
Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L002-57
The vegetation classifications follow Holland's description where possible (see Section 4.8.1.1). If one does not meet Holland's descriptions, best professional judgement was used to describe the vegetation classification using Holland's as a guideline.

L002-58
Additional information on this topic is presented in Section 4.8.1.

species observed, etc. Wetlands and other waters are important considerations of CEQA and NEPA, and adequate information should be included for public and agency review of the document.

- In the same way, the Draft EIS/EIR is lacking site-specific information for sensitive plant and wildlife species. Although the California Natural Diversity Data Base (CNDDB), an EIR for a project in Newhall, and an enhancement/management plan for the Santa Clara River (Draft EIS/EIR Page 4.8-71) were used to generate a list of species that may be present, the document provides only cursory lists of a small number of wildlife and plant species that might be in the area. Certainly other species were observed during the site reconnaissance or during the wetland delineation, but they are not discussed. L002-58.1

- Without some ability to make comparisons between the preferred action and the alternatives, the rationale for choosing a particular project alternative may be unsupported by evidence. We recommend that the alternatives are compared directly in a tabular format that considers acreages of impact by vegetation community, sensitive or listed species conflicts, wetlands and waters, and other issues as applicable. L002-58.2

The document addresses this lack of basic biological information by relying on the applicant to fund all the biological surveys after the project has been approved. By deferring the collection of required data needed for the lead agencies to provide informed and independent impact analysis, the public is deprived of the opportunity to provide meaningful comment on the project. Likewise, because the severity of the impacts is unknown, the efficacy of the mitigation measures is also unknown, resulting in a document that is inconsistent with the goals of NEPA and CEQA. L002-58.3

Specific Comments[1]:

- Page 4.8.26, Line 10. The least Bell's vireo is also listed as endangered by the State of California. L002-59

- Page 4.8-36, Line 19. An impact to any State or Federally listed plant species or species considered to be rare, threatened, or endangered under CEQA (CEQA Guidelines, § 15380) should be considered potentially significant. This potential impact should therefore be categorized as Class II or Class I. L002-60

- Page 4.8-36, Line 23. The Draft EIS/EIR states "*A comprehensive botanical survey has not been conducted; therefore, it is not known whether the rare or special status plants along the proposed pipeline route are present*". Because the Draft EIS/EIR does not adequately discuss the status of sensitive plant species potentially occurring within the project site, the severity of the impacts as well as the ability of proposed mitigation measures to lessen the impact are unknown. We recommend that focused special status plant surveys are conducted prior to approval of the project. The surveys should follow the California Department of Fish and Game's (CDFG) Guidelines for L002-60.1

[1] Allen, W. H. 1994. Reintroduction of endangered plants: biologists worry that mitigation may be considered an easy option in the political and legal frameworks of conservation. Bioscience 44(2): 65-8.

Fiedler, P. 1991. Mitigation related transplantation, translocation and reintroduction projects involving endangered and threatened and rare plant species in California. California Department of Fish and Game, Sacramento, CA. 82 pp.

Howald, A.M. Translocation as a mitigation strategy: lessons from California. In: D.A. Falk, C.I. Millar, and M. Olwell eds. Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Island Press, Washington DC.

L002-58.1
Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L002-58.2
The tables in Section 4.8 have been updated and provide information about each alternative so comparisons can be made.

L002-58.3
See the response to Comment 58.1. All analyses have been updated based on the survey results. Impacts have been re-evaluated and mitigation measures added according to the impacts.

L002-59
Section 4.8.1 has been revised in response to the comment.

L002-60
See the response to comment L002-56. Appendix I contains information on the results of threatened and endangered species consultations.

L002-60.1
Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a

burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

Assessing Impacts to Rare Plants and Rare Natural Communities. The survey results should be provided for agency and public review prior to certification of the Final Draft EIS/EIR.

- Page 4.8-37, Line 17. The Draft EIS/EIR states "*If listed plants are identified in the construction areas, attempts would be made to salvage plants and replant following the completion of the construction activities*". Resource agencies, as well as the California Native Plant Society (CNPS) have scrutinized past attempts of this nature, and in most cases past efforts have been failures. Reliance on transplantation is not only unlikely to succeed, but is likely to contribute to further declines. Transplantation is rarely successful in establishing rare plants where they previously did not occur. A study by CDFG (Fiedler, 1991) found that, even under optimum conditions with ample time for planning, transplantation was effective in only 15 percent of cases studied. Other reviews (e.g., Allen, 1994; Howald, 1996) have found similar problems. Although there are situations warranting the use of transplantation as mitigation, this should generally be considered a last resort. L002-61

  AMM TerrBio-2a should, therefore, be completely revised once focused surveys have determined which, if any, special status plant species would be impacted. Specific mitigation measures should consider the life history and ecological needs of the affected species in order to increase the likelihood for success. A mitigation plan should be prepared to include specific success criteria and a detailed monitoring program, contingency measures should the success criteria not be met; and identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation.

- Page 4.8-38, Line 7. The Draft EIS/EIR states: "*If sensitive resources cannot be avoided, no work would be authorized until the appropriate resource agencies (CDFG, USFWS, and NOAA Fisheries) determine that the action would not result in significant biological impacts.*" Although it is important to consult with the appropriate resource agencies at all stages of a project, it is the responsibility of the CEQA and NEPA lead agencies to determine the significance of a proposed action and to develop appropriate mitigation measures. The Draft EIS/EIR does not clearly describe and analyze the project's impacts to special-status plants, and nearly all of the analysis is deferred. To adequately inform the public, this analysis should be provided in the Draft EIS/EIR.

- Page 4.8-38, Line 11. AMM TerrBio-2b. Biological Resources Mitigation and Monitoring Plan (BRMIMP). Although it is often difficult to precisely determine a complete mitigation strategy during the CEQA/NEPA review phase of a project, it is important to provide as much detail as possible so that the public and agencies can evaluate the ability of the mitigation measures to reduce impacts below a level of significance. Not only has the document failed to provide survey results and acreages of impact, but the development of a mitigation plan is also deferred. Because the BRMIMP would not be developed until some future date, the impact analysis contained in the Draft EIS/EIR is largely unsupported. L002-61.1

- Page 4.8-4.1, Line 30. Impact TerrBio-3: Temporary or Permanent Vegetation Loss Due to Removal/Habitat Removal. The discussion under this section potentially includes both upland and "wetlands" or "waters of the U.S." (e.g., riparian and other jurisdictional areas subject to U.S. Army Corps of Engineers (ACOE) and /or CDFG jurisdiction). The discussion beginning on Line 32 should therefore be clarified. More importantly, this section should make clear the acreage of impact by vegetation community. This would allow the reader to distinguish between impacts that are adverse and not significant (e.g., temporary impacts to agricultural land or ruderal areas), versus impacts to sensitive vegetation communities such as riparian woodlands, coastal sage scrub, L002-62

L002-61
Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L002-61.1
See response to Comment L002-2.

L002-62
Section 4.8.4 has been revised in response to the comment.

etc. Furthermore, the degree of impact is often strongly associated with the acreage – the reader should be able to easily tell whether the project impacts one acre of riparian habitat or 100 acres of riparian habitat. The acreage of impact should be included in the impact statement as it is discussed. L002-62 cont.

- Page 4.8-43, Line 36. Impact TerrBio-4: Temporary or Permanent Changes to Wetlands or Waters of the United States During Construction. The Draft EIS/EIR states: "*Long-term hydrologic changes to* (wetland/waters) *features could result from trench backfill and topographic restoration activities. Backfill material and methods could affect wetland hydrology by altering surface and subsurface flow.*" The document goes on to say "*Impacts on the hydrologic function of features would be considered potentially significant*". Although we agree with this assessment, no specific mitigation measures are provided that might reduce this impact. Although MM TerrBio-4a states that a 404 permit (a required action, not a mitigation measure) would be obtained, there is a possibility that trenching could result in hydrologic changes (e.g., subsurface water supporting a wetland) outside of ACOE jurisdiction with the potential to affect adjacent wetlands or waters. Loss of jurisdictional resources should be quantified and specific mitigation measures should be developed for direct and indirect impacts to wetlands and waters. L002-63 L002-64

- Page 4.8-47, Line 29. AMM TerrBio-6a. Minimize Disturbance at Water Crossings. The Draft EIS/EIR states "*The Applicant would not perform open-trench crossings at any stream, wetland feature, or other waters of the United States unless otherwise identified by a Streambed Alteration Agreement, USACE 404 Permit, and/or any other required permits.*" However, this appears to contradict Page 4.8-44 Line 23 which states "*To avoid or reduce impacts to aquatic resources, all dry watercourse or minor wet crossings would be open-cut-trenched.* As these minor or seasonally dry watercourses would still be considered to be "streams," the document should be clarified. L002-65

- Page 4.8-48 Line 26 and Page 4.8-52 Line 12. MM TerrBio-6b. Species Surveys and Impact TerrBio-9: Temporary or Permanent Construction Impacts on Sensitive Species and/or Habitats. As with the focused surveys for special-status plant species, focused surveys should have been performed prior to the release of the Draft EIS/EIR, not after. Without the results of focused surveys included in the document, the impact significance and the feasibility of mitigation measures are largely unknown. **L002-65.1**

4.11 Geologic Resources

- The discussion of geologic resources does not provide sufficient information on what impacts would result from the project and how the identified mitigation measures would reduce impacts. The discussion states that a preliminary seismic hazard evaluation was completed but there is no discussion on the results of this assessment and recommendations that were presented in the evaluation. In addition, the section refers to design guidelines that would be followed but does not specify what would be applied from the guidelines to reduce impacts. More information on the design criteria, especially design criteria that addresses emergency response such as shut off valves, needs to be added to this section. L002-66

- This section does not specifically address the scoping comments presented by the City of Oxnard. The section does not include automatic shut off and the maximum amount of gas release, contrast between larger existing pipelines within city limits and the proposed pipeline, or identify other areas where high pressure pipelines are used in southern California. L002-67

L002-63
Mitigation measures with respect to wetlands are described in Section 4.8.4.

L002-64
This topic is addressed and clarified in Section 4.8.4.

L002-65
This topic is addressed in Sections 4.8.4 and 4.18.1.

L002-65.1
Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L002-66
Section 4.11 contains information on seismic and geologic hazards. The information has been updated with additional analyses, revised impacts, and mitigation that specifically address the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards.

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

As stated in Section 4.11.1, "[n]either Federal (the USCG and the U.S. Maritime Administration [MARAD]) nor State (CSLC) lead agencies require deepwater port applicants to provide final detailed designs as part of their application. If an application is approved and MARAD issues a deepwater port license or a license with conditions, the deepwater port licensee is required to submit all plans of the offshore components comprising the deepwater port to the USCG for approval. If the CSLC approves the lease application, the conditions of the lease would include specific requirements for submittal of detailed design criteria and final detailed engineering designs by the Applicant for review and approval by State agencies. Additional studies may be required for final design and would require Federal and State approval before construction of the deepwater port can begin."

L002-67
Our review of earlier comments from the City shows we have addressed your concerns presented during scoping.

Section 4.2.8.2 identifies regulations and agency responsibilities for natural gas pipelines, including valve requirements and emergency procedures. Appendix C3 contains additional information under "Design and Safety Standards Applicable to Natural Gas Transmission Pipelines."

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

- MM Geo-3c refers to a preliminary seismic hazard evaluation (Furgo 2004) but the details are not presented in the section. The results of this assessment and the recommendations should be discussed. L002-67.1

- MM Geo-4a references "proper seismic design," but the measure does not include performance standards or examples of design criteria that would be used to ensure that proper design would be applied. What performance standards are in place to ensure the best design possible to reduce potential impacts and what design criteria will be used? L002-67.2

- Impact Geo-6 includes one AMM to reduce impacts. The measure specifies that the pipeline will be "buried deep enough." More detail on the criteria that will be used to determine the correct depth needs to be added to the measure. L002-67.3

- Impact Geo-8 does not include any discussion on potential impacts from the project and what impacts will be mitigated by the proposed mitigation measure. The discussion also needs more detail to specify what criteria or parameters will be considered to determine that the pipeline will be placed to not affect sediment transport. L002-67.4

4.13 Land Use

- This section needs to provide, at a minimum, a list of affected land uses by Mile Post along the proposed and alternative pipeline routes as part of the setting information. See comments on Section 3.0 with regard to NEPA requirements and equivalent treatment of alternatives. It is difficult to determine impacts to residents, schools, businesses, and other land uses (such as parks) without relating the pipeline construction schedule to the areas along the proposed and alternative routes. L002-68 L002-69

- Similar to the Agriculture and Soils section, this section needs to provide a discussion of the potential impacts of pipeline accidents on residences, schools, businesses, and sensitive land uses. Given the location of the proposed and alternative pipeline routes along major public rights of way, and the fact that pipeline accidents are a likely scenario, the impact section needs to discuss the worst-case scenario with respect to impacts resulting from pipeline rupture, leakage, and any resultant explosions. Also, discussion of the long-term impacts to the area should be provided considering the potential for contamination due to a pipeline accident and natural gas leakage. L002-70 L002-71

4.14 Noise

- Section 4.14.1, Environmental Setting. Throughout this section, noise levels are given in dBA without referencing whether they are L_{dn} or L_{eq} or L_{90} or other value, and whether they are being provided in consistent units. Without this reference it cannot be determined if a fair comparison in the assumed background levels and impact levels and regulatory levels are being provided. L002-72

- Section 4.14.1, Environmental Setting. No actual noise monitoring was conducted to substantiate the assumed background noise levels. Appropriate noise monitoring should be performed at selected project locations to identify true background levels to determine potential impacts. L002-73

- Section 4.14.3, Significance Criteria. The second significance criterion does not describe what would constitute a substantial permanent noise increase. This description is needed to review the later impact analysis and mitigation section. L002-74

L002-67.1
Section 4.11 contains information on seismic and geologic hazards and mitigation that specifically addresses the potential damage to proposed pipelines from a direct rupture along fault lines. Appendices J1 through J4 contain additional evaluations of seismic hazards. Specifically, Appendix J2 contains *Preliminary Seismic and Geologic Hazards Evaluation, Proposed Cabrillo Port Offshore Ventura County, California*, prepared by Fugro West, Inc. (2004).

L002-67.2
As stated in MM GEO-4a, "[t]he Applicant shall employ proper seismic design, including but not limited to the design guidelines in the publications *Guidelines for the Design of Buried Steel Pipe, Guidelines for the Seismic Design of Oil and Gas Pipeline Systems*, and the American Society of Mechanical Engineers' *Managing System Integrity of Gas Pipelines*."

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigations but only requires mitigation measures to be identified (40 CRF 1502.14(f) and 1502.16(h)).

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

L002-67.3
The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Sections 1.4.2 for a summary of Project changes. The Applicant would use horizontal directional boring instead of horizontal direction drilling to install the Project pipelines beneath the shore, with a minimum depth of 50 feet below the surface of the beach. Section 2.6 and Figure 2.6-1 contain information on construction and installation of offshore pipelines

and the shore crossing using horizontal directional boring.

Impact GEO-6 contains revised text. As stated in AM GEO-6a, "[t]he pipeline at the shore crossing would be buried at least 50 feet (15.2 m) below the surface of the beach and deeply enough below sea level to minimize the potential of frac-outs. This will also avoid potential damage from tsunamis."

L002-67.4
The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Sections 1.4.2 for a summary of Project changes. The Applicant would use horizontal directional boring instead of horizontal direction drilling to install the Project pipelines beneath the shore, with a minimum depth of 50 feet below the surface of the beach. Section 2.6 and Figure 2.6-1 contain information on construction and installation of offshore pipelines and the shore crossing using horizontal directional boring. Impact GEO-8 (Potential to Change the Transport of Sediment in Offshore Areas) would be eliminated with implementation of the Project change of burial of the pipeline under the beach at the shore crossing.

L002-68
Section 4.13 has been updated. The affected land uses along the proposed pipeline corridors are discussed in Section 4.13.1.3.

L002-69
Section 4.17.4 provides an estimate construction time for each segment of the proposed and alternative routes.

L002-70
Potential impacts of pipeline accidents and estimated risks of such incidents are discussed in Section 4.2.8.4. Sensitive land uses are identified in Sections 4.13.1.3 and 4.13.1.4.

L002-71
Regulations pertaining to hazardous materials associated with the Project are provided in Table 4.12-2. Onshore impacts from hazardous material contamination are discussed in Section 4.12.4 under Impact HAZ-2.

L002-72
All sound levels are expressed as Leqs in Section 4.14.

L002-73
Establishing a noise baseline at this time would not necessarily be

representative of the noise baseline at the time of construction (see Section 4.14.1.3). It is reasonable to assume that existing noise levels should be in compliance with city and county ordinance levels for the sake of the environmental analysis.

Additional mitigation measures have been added to ensure compliance with noise ordinances (see Section 4.14.4).

L002-74
The significance criteria in Section 4.14.3 have been updated.

- Section 4.14.3, Significance Criteria. An increase in noise level of 10 dBA is chosen as a substantial increase for the determination of significant impacts. No reason for this selection is given. The earlier referenced County of Ventura Ordinance (Table 4.14-2) indicates an allowable noise increase of 3 dBA when an area is already above allowed L_{eq} values. A value of 10 dBA of increase is fairly high for a significance threshold, particularly in areas already experiencing noise levels above local noise ordinance levels. A lower value such as 6 dBA, or a doubling of the noise energy, may be more appropriate for a significance criterion. L002-75

- Section 4.14.3, Significance Criteria. Groundborne noise and vibration impacts, a CEQA checklist item, should be discussed in this section. L002-76

- Section 4.14.4, Impact Analysis and Mitigation. For Class II impact NOI-1, the assessment of potential impacts is unclear. On page 4.14-7 lines 4 through 6 state that the impacts would likely not be significant. However, the impact class is given as II and a mitigation measure has been included without any indication of how the measure would reduce impacts to an insignificant level. L002-77

- Section 4.14.4, Impact Analysis and Mitigation. For Class II impact NOI-2, MM NOI-2A does not provide any actual requirements that demonstrate noise reductions from the FSRU operation. The specific requirements of the silencers and shielding should be provided in the mitigation measure and an assessment of the remaining noise levels from the affected equipment should be determined to show that the remaining impacts would be less than significant. L002-78

- Section 4.14.4, Impact Analysis and Mitigation. For Class II impact NOI-3, analysis of the impact is not sufficiently detailed to support the impact classification or mitigation effectiveness. L002-79

- Section 4.14.4, Impact Analysis and Mitigation. For Class II impacts NOI-4 and NOI-5, the discussion does not support the impact classification or mitigation effectiveness. The data or information do not demonstrate how the mitigation measures reduce noise impacts in all potential HDD and trenching locations to less-than-significant levels. Table 4.14-5 and Table 4.14-6 should include a list of controlled dBA and controlled worst-case results to demonstrate the effectiveness of the mitigation methods and the finding of no significant impacts with mitigation. L002-80

4.15 Recreation

- This section needs to provide a discussion of the potential impacts of pipeline accidents on beach recreational uses such as those at Ormond Beach. Although Ormond Beach currently does not experience a high level of recreational activity relative to other coastal areas affected by the project, the California Coastal Conservancy along with other local agencies (such as City of Oxnard, Ventura County, City of Port Hueneme, etc.) and environmental and community groups are actively working on wetland restoration along Ormond Beach and near the Reliant Energy Ormond Beach Generating Station. This restoration project would eventually include plans that accommodate recreation by improving access to the area. Given the location of the proposed pipeline route in this area, and the fact that pipeline accidents are a likely scenario, the impact section needs to discuss the worst-case scenario with respect to recreation impacts resulting from pipeline rupture, leakage, and any resultant explosions. Also, discussion of the long-term impacts to the area should be provided considering the potential for contamination of the area due to a pipeline accident and natural gas leakage. L002-81 **L002-82** L002-83

L002-75
A 10 dBA increase is a commonly used threshold to gauge the increase in noise from construction over background because this increase that is perceived as twice as loud by most individuals.

L002-76
Section 4.14 has been updated to include information about vibration and its potential impacts.

L002-77
Impact NOI-1 in Section 4.14.4 has been updated to clarify the analysis. A discussion has been added to explain how the mitigation measures will reduce noise impacts.

L002-78
Impact NOI-2 in Section 4.14.4 contains additional information and has been revised to a Class I impact.

L002-79
Impact NOI-3 in Section 4.14.4 contains additional information and has been revised to Class I impact.

L002-80
Impacts NOI-4 and NOI-5 in Section 4.14.4 contain additional information and analysis. They have been revised to Class I impacts.

L002-81
Sections 4.15.4 and 4.2.8.4 discuss this topic.

L002-82
Section 4.13.2 contains updated information about the restoration efforts at Ormond Beach. The presence of the pipelines under Ormond Beach would not restrict access to the area for recreation or otherwise alter recreation opportunities at Ormond Beach. During construction, the HDB activities would be contained within the Reliant Energy property, and the pipeline would be buried underneath the beach. The impact of a pipeline accident at Ormond Beach is discussed in Sections 4.2.8.4.

L002-83
Sections 4.2.8.4 discusses this topic.

4.16 Socioeconomics

- The Public Utilities discussion under Section 4.16.1.4 (public services) needs to provide the location of existing utilities within the proposed pipeline right-of-way. In addition, this information should be provided for each of the onshore pipeline alternatives. L002-84

- Section 4.16.4 (Impact Analysis and Mitigation) needs to analyze the impacts associated with potential accidents resulting from co-located utilities in the pipeline right of way. In addition, the discussion of the onshore pipeline alternative routes should address co-location impacts. The impacts of project construction and operational maintenance activities on existing utilities within these route right of ways should be disclosed, and appropriate mitigation recommended. This impact discussion is also important in the context of public service providers' capacities to deal with co-location impacts, such as fire response, water needs, etc. L002-85

- Impact Socio-1 (Small Increased Demand for Public Services) needs to address the capacities of emergency service providers (fire, police, hospitals) to accommodate an onshore pipeline worst-case accident scenario such as rupture, leakage, and any resultant explosions. L002-86

- In Section 4.16.5 (Alternatives), a more detailed analysis of alternatives needs to be provided at an equal level of detail as the proposed project discussion. It is not sufficient to state that the impacts are "similar" and that application of the same mitigation measures would reduce those impacts to less-than-significant levels. At a minimum, the level of severity of impacts associated with each alternative and specific reference to the mitigation measure numbers that would reduce the impact should be clearly delineated under the alternatives analysis. **L002-86.1**

4.17 Transportation

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-1, the discussion does not support how the two mitigation measures would reduce traffic impacts during pipeline construction. For affected intersections at LOS D to F, it is doubtful that a traffic control plan would reduce all impacts to insignificance during the pipeline construction. This impact should probably be identified as Class I even after mitigation. L002-87

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-3, the discussion does not support why the impact has been determined to be a Class III impact. It is noted that there is a potential impact to a bike path and a mitigation measure is noted. It would seem that an impact classification of I or II would be more appropriate depending on the effectiveness of the mitigation. L002-88

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-4 and Trans-5, the discussion does not support why the impacts have been determined to be Class II impacts. It is noted (on page 4.17-18 lines 5 and 6 for Trans-4 and page 4.17-20 line 3) that the impacts are temporary and are considered less than significant, which would be a Class III impact not requiring mitigation. However, mitigation measures have been provided and a Class II impact has been determined. This internal conflict in the impact assessments for Trans-4 and Trans-5 should be resolved. L002-89

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-6, the impact should not be limited to the single known intersection with LOS E. The traffic data is limited, so there may well be other existing intersections at LOS E or F, and it will be years before construction begins allowing traffic conditions to change substantially, so this impact should either be folded into Trans- L002-90

L002-84
Sections 2.7.1.1, 2.7.1.2, 2.7.2.2., 4.2.8.4, and 4.13.4 contain additional information on this topic.

L002-85
Section 4.16.1.2 contains additional information on this topic. See the response to Comment L002-84.

L002-86
Sections 4.16 and 4.16.1.2 contain additional information on this topic.

L002-86.1
See the response to Comment L002-5.

L002-87
Section 2.4 contains additional information on this topic. Section 4.17.4 contains revised text that identifies this impact as a Class I impact and proposes additional mitigation.

L002-88
Section 4.17.4 contains revised text on this topic.

L002-89
Section 4.17.4 contains revised text on this topic.

L002-90
Section 4.17.4 contains revised text on this topic.

1 or revised to indicate that it includes all intersections found to be LOS E or higher during completion of the traffic control plans.

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-7 and mitigation measure MM Trans-7a, it is unclear why repairing within 21 days results in less than significant impacts. A discussion of the regulatory or other relevance of the 21-day repair requirement should be provided to demonstrate it mitigates potential impacts to less than significant. L002-91

- Section 4.17.4, Impact Analysis and Mitigation. For impact Trans-8, even through it is noted to be a Class III impact a mitigation measure has been provided. This is inconsistent with a Class III impact, no mitigation measures should be required if the impact is truly Class III. L002-92

4.18 Water Quality and Sediments

- Several mitigation measures (MM WAT-3e and 3f, MM HAZ-1c, and MM WAT-9a) use monitoring or the equivalent to reduce impacts to a less-than-significant level. For example, MM WAT-9a mitigates by determining the source of oily residue on the water. However, the measure does not address what actions are needed when the source is identified. L002-93

- In the discussion of impact WAT-4, it states that because there are no known contaminated sediments in the area, the impact is not significant. Provide more information on contaminated sediments in the area and describe the results of any testing conducted on the project site. L002-94

- In general, for all impacts, more explanation is needed on why the impact is determined to be significant or not significant and how mitigation reduces the impacts. L002-95

- The Draft EIS/EIR does not mention that erosion and scour in unlined trench crossings could reach and expose the pipeline if it is not buried properly. L002-96

4.19 Environmental Justice

- Mitigation Measure PS-7b (to address impact EJ-1) needs to be reworded. Currently, the wording of the measure states "Provide mitigation measures (e.g., smoke detectors and outreach notification and escape planning) to all residents of that community)." The measure needs to be expanded to include specific types of outreach efforts and emergency escape plans, along with performance standards, mitigation timing and effectiveness criteria. L002-97

- Mitigation Measure PS-7c (Implement Public Education/Awareness Program) defers mitigation to a future program. Although the details of Public Education/Awareness Program can be deferred to a future date, the Draft EIS/EIR needs to include performance standards such as specific types outreach and notification activities, the timing of activities, the implementation of the plan, and effectiveness criteria. L002-98

- In Section 4.19.5 (Alternatives), the level of severity of impacts for each of the onshore pipeline alternatives should be clearly presented along with reference to specific applicable mitigation measures. **L002-98.1**

L002-

L002-91
Section 4.17.4 contains revised text on this topic.

L002-92
Section 4.17.4 contains revised text on this topic.

L002-93
Section 4.18.4 contains revised text on this topic.

L002-94
Section 4.18.1.2 contains revised text on this topic.

L002-95
Section 4.18.4 contains revised text on this topic.

L002-96
The topic is addressed in Sections 2.7.2.1 and 4.11.4 under Impact GEO-1.

L002-97
Section 4.19.4 contains revised text on this topic.

L002-98
MM PS-7c in the October 2004 Draft EIS/EIR has been restated as a regulation and not as a mitigation measure in the current document. The Project Applicant or its designated representative (SoCalGas) would be required to comply with the Final Rule on Operator Public Awareness Programs (49 CFR Part 192.616), which specifies the requirements of public awareness programs for pipeline operators. These requirements are summarized in Table 4.2-14.

The Pipeline Integrity Management Program identified in MM PS-4b requires that the public education program be fully implemented before beginning pipeline operations.

L002-98.1
Section 4.19.5 contains additional information to clarify this topic.

4.20 Cumulative Impacts Analysis

- In Section 4.20, Cumulative Analysis, there is a brief paragraph on the Salination Management Project. The discussion mentions that the proposed water pipeline and facility is within the same area as the proposed action's pipeline. The potential pipeline route/easement conflict and its possible ramifications to the different environmental disciplines should be discussed in the document.

L002-99

6. Conclusions and Recommendations

- This section provides a comparison of the proposed project with the alternatives considered in the document. The comparison is a CEQA-level comparison, but no NEPA-level comparison has been provided in the document. Under NEPA requirements, there needs to be more detail on the alternatives in order to select the preferred alternative. More detail is needed to support the proposed project as the environmentally preferred alternative.

L002-100

L002-99
Section 4.20.2.2 describes the Salination Management Project and Groundwater Recharge Enhancement and Treatment Project.

L002-100
The Final EIS/EIR has been updated with an adequate level of detail to allow a NEPA-level comparison of alternatives. The Project alternatives are analyzed by resource and the differences discussed by exception at the end of each resource section in Chapter 4. Under the Deepwater Port Act (DWPA), the Maritime Administrator is the decision-making authority who will issue a Record of Decision (ROD) to approve, approve with conditions, or deny a license application for a deepwater port. To identify a Federal environmentally preferred alternative in the Final EIS/EIR would be pre-decisional; therefore, the Final EIS/EIR does not to identify a preferred alternative. Prior to issuing a license the Administrator will review and analyze all of the relevant information pertaining to the license application, as required under the DWPA. If the license is approved, or approved with conditions, the Administrator will indicate the agency's preferred alternative in the ROD.